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EXAMINER	
QUINONES, ISMAEL C	

ART UNIT	PAPER NUMBER
2686	5

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,012	ROSNER, S. JEFFREY	
	Examiner	Art Unit	
	Ismael Quiñones	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on May 17, 2004. **Claims 1-21** are now pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-4, 6-10, 12-17, and 19-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Cook (U.S Pat. No. 6,650,888).

Regarding **claim 1**, Cook discloses a wireless communications system for communicating with a computer infrastructure of an organization comprising (A wireless communication system communicating with an enterprise/organization communication system; *col. 1, lines 24-30; Fig. 1; Fig. 9, item 900*): a portable unit including a user interface (A portable unit such as a wireless telephone comprising a user interface such as a display and keys/keypad buttons; *col. 8, lines 31-34; Fig. 10, items 1001 and 1004*); a computer infrastructure interface (The enterprise/organization comprising a wireless communication interface; *col. 7, lines 36-44; Fig. 9, item 902*); a

voice recognition unit associated with said computer infrastructure interface (Wherein the wireless communication interface is associated with a voice recognition unit or voice authentication system by means of transferring information to a transaction manager that subsequently is coupled to said voice authentication system; *col. 7, line 62–line 65; Fig. 9, item 921*), said voice recognition unit permitting a user of the portable unit to communicate with the computer infrastructure by voice communication (Wherein a speech sample is given by the user of wireless communication device and transferred to a voice authentication system; *col. 7, line 59-65*); and a wireless communications link for connecting said user interface and said computer infrastructure interface (Wherein a wireless communication device operated by a user communicates with a wireless interface over a wireless communication link; *col. 7, lines 42-46; Fig. 9, item 904*), said wireless communications link covering an area designated by the organization for permitting a user of the portable unit to access said computer infrastructure when the portable unit is within the designated area (A server controlling communications within the enterprise/organization infrastructure, such communication established by over a wireless link, wherein the server authorizes registration for a wireless communication device, when such device is detected within the enterprise/organization infrastructure; *col. 5, lines 1-24;Fig. 2*); and at least one remote access node for creating at least one extended designated area of said designated area for permitting a user of the portable unit to also access the computer infrastructure when the portable unit is within the at least one

extended designated area (Wherein the enterprise comprises transceivers or remote access nodes which create respective designated areas such as an enterprise cell for providing coverage within the enterprise designated area, therefore extending the enterprise designated area by the addition of the transceivers belonging to the enterprise; *col. 3 , line 23 thru col. 4, line 7; Fig. 1, items 121-123 and 125-127*).

Regarding **claim 2**, and as applied to claim 1, Cook discloses The aforementioned wireless communications, wherein said user interface comprises a two-way voice interface (Wherein the wireless communication device further comprises features to establish voice conversations in a wireless communication system, such feature integrated within the wireless communication device; *col. 1, line 33-34; col. 8, lines 33-34; Fig. 10, item 1003*) and wherein a voice recognition unit and a voice generation unit are associated with said computer infrastructure interface to permit two-way voice communication between said user and said computer infrastructure (Wherein the enterprise/organization provides wireless communications such as voice conversations or voice transfer within the enterprise such as public telephone communications. A server for controlling communications within the enterprise/organization infrastructure that provides a wireless communication device within the enterprise to access networks such as the PSTN or the organization itself over intranet sessions, wherein voice conversations could be established; *col. 1, lines 25-30 and lines 33-34; col. 4, lines 8-13 and lines 25-30*).

Regarding **claim 3**, and as applied to claim 1, Cook discloses the aforementioned wireless communications system, wherein said wireless communications link comprises a cellular communications system (A enterprise/organization infrastructure partially located within a public network cell comprising components that operate similar to those incorporated in a cellular communication system such as a transceiver that behaves similar to a conventional base station communicating over an air interface with a portable unit or wireless communication device in which such transceivers perform hand-offs when the portable unit moves from one transceiver to another within said infrastructure; and a server that controls communications within said infrastructure which equivalence corresponds to a public control system such as a MTSO or mobile telephone switching office; *col. 3, line 43 – col. 4, line 7; Figs. 1-3*).

Regarding **claim 4**, and as applied to claim 3, Cook discloses the aforementioned wireless communications system, wherein said cellular communications system comprises a first transmit/receive unit in said portable unit (Wherein a portable unit such as a wireless telephone comprises a wireless interface that sends/transmits user speech sample for authentication; and receives transactions codes provided by the enterprise/organization infrastructure; *col. 8, lines 50-59; Fig. 10, item 1006*), a second transmit/receive unit associated with said computer infrastructure (Wherein the enterprise/organization computer infrastructure comprises transmit/receive units such as transceivers, and a wireless interface that interacts with a wireless communication device/portable unit,

receiving portable unit user information and transferring transaction codes to said user; *col. 7, lines 57-63; cols. 8, lines 57-59; Fig. 5, item 424; Fig. 9, item 902*) and a cellular base station for handling transmission of signals between said first and second transmit/receive units (Wherein the enterprise communication system comprises transceivers that operate similar to a conventional base station; and a server that communicates with a public network that comprises conventional base station in which determinations are made for handling transmission of signals based on user authentication and position information; *col. 3, lines 47-54, col. 4, lines 34-50; col. 5, lines 1-24; Fig. 1, item 111 and items 121-123*).

Regarding **claim 6**, and as applied to claim 1, Cook discloses the aforementioned wireless communications system, wherein said organization comprises a university (Wherein such organization/ enterprise is an entity such as a university; *col. 3, lines 43-47*), and wherein said designated area comprises a campus of the university (Where the designated area comprises business campuses and educational campuses; *col. 3, lines 43-47*).

Regarding **claim 7**, and as applied to claim 1, Cook discloses the aforementioned wireless communications system, wherein said organization comprises a company (A company such as an enterprise; *col. 3, lines 43-47*), and wherein said designated area comprises facilities of said company (Facilities such as government facilities; *col. 3, lines 43-47*).

Regarding **claim 8**, and as applied to claim 1, Cook discloses the aforementioned wireless communications system, wherein said system further includes an authentication capability for authenticating a user of said portable unit

for access to secured facilities of said organization (Authentication such as voice authentication wherein a system comprises a transaction manager within the enterprise/organization coupled to a validation system, wherein the validation system comprises a voice authentication system and an account validation system; for the purpose of authenticating wireless phone users in a secure manner; *col. 2, lines 20-25; col. 7, lines 23-46; Fig. 9, item 930*).

Regarding **claim 9**, and as applied to claim 8, Cook discloses the aforementioned wireless communications system, wherein said authentication capability includes an authentication device in said portable unit (A memory unit to store a list of user account codes and control circuitry for instructing the user of the portable unit to formulate a voice authentication transaction further instructing the user to select one of the stored account codes within the portable unit, subsequently transferring the voice transaction and account code to a validation system; *col. 8, lines 38-56; Fig. 10, items 1002 and 1005*).

Regarding **claim 10**, and as applied to claim 8, Cook discloses the aforementioned wireless communications system, wherein said authentication capability comprises a software-based voice recognition capability associated with said computer infrastructure (Wherein the control and logic instructions implemented in a validation system that use voice authentication are software program codes; *col. 8, line 64 – col. 9, line 9*).

Regarding **claim 12**, and as applied to claim 1, Cook discloses the aforementioned wireless communications, wherein said system includes a plurality of portable units to permit a plurality of users to access the computer

infrastructure of the organization (A plurality of portable unit users arranged as data structures with the enterprise/organization communication system server; *col. 5, lines 25-48; Fig. 1, item 102; Fig. 3, item 324*).

Regarding **claim 13**, and as applied to claim 1, Cook discloses the aforementioned wireless communications system, wherein said system includes an Internet access capability (Wherein the enterprise communication system provides access to outside networks such as the Internet; *col. 1, lines 28-30; col. 4, lines 25-30*).

Regarding **claim 14**, and as applied to claim 1, Cook discloses the aforementioned wireless communications system, wherein said system includes at least one remote access node for creating at least one extended designated area of said designated area for permitting a user of the portable unit to access the computer infrastructure when the portable unit is within the at least one extended designated area (A remote server controlling communications within the enterprise/organization infrastructure designated area, wherein the server authorizes registration for a wireless communication device, when such device is detected within the enterprise/organization infrastructure; *col. 5, lines 1-24;Fig. 2*).

Regarding **claim 15**, Cook discloses in combination, a computer infrastructure of an organization and a wireless communications system for enabling at least one individual to communicate with and to utilize features and capabilities of said computer infrastructure (An intranet session that provides features and services within an enterprise/organization, *col. 4, lines 8-18*), said

wireless communications system comprising: a portable unit for each said at least one individual (Wherein the communication system comprises wireless communication device such as a portable unit, *col. 3, lines 25-27; Fig. 1, item 102; Fig. 10, item 1000*), each portable unit including a two-way voice interface (Wherein the portable unit or wireless communication device could comprise a telephone and wherein the wireless communication device is capable of wireless communications such as voice conversations; *col. 1, lines 31-34; col. 3, lines 32-35*);a computer infrastructure interface (The enterprise/organization comprising a wireless communication interface; *col. 7, lines 36-44; Fig. 9, item 902*); a voice recognition unit and a voice generation unit associated with said computer infrastructure interface (Wherein the enterprise/ computer organization infrastructure comprises a voice recognition unit or voice authentication system which transfer information to a transaction manager that subsequently is coupled to said voice authentication system, as well as comprising services involving two-way communications, therefore generating voice subsequently transmitted to a portable unit; ; *col. 1, lines 25-30 and lines 33-34; col. 4, lines 8-13 and lines 25-30, col. 7, line 62–line 65; Fig. 9, item 921*); and a wireless communications link for connecting the user interface of each portable unit and the computer infrastructure interface (Wherein a wireless communication device operated by a user communicates with a wireless interface over a wireless communication link; *col. 7, lines 42-46; Fig. 9, item 904*), the wireless communications link covering an area designated by the organization for permitting each at least one individual to access the computer infrastructure by voice communication when the

individual's respective portable unit is within the designated area (A server controlling communications within the enterprise/organization infrastructure, such communication established by over a wireless link, wherein the server authorizes registration for a wireless communication device, when such device is detected within the enterprise/organization infrastructure; *col. 5, lines 1-24;Fig. 2*);and at least one remote access node for creating at least one extended designated area of said designated area for permitting at least one of said at least one individual to also access the computer infrastructure when the portable unit of said at least one of said at least one individual is within the at least one extended designated area (Wherein the enterprise comprises transceivers or remote access nodes which create respective designated areas such as an enterprise cell for providing coverage within the enterprise designated area, therefore extending the enterprise designated area by the addition of the transceivers belonging to the enterprise; *col. 3, line 23 thru col. 4, line 7; Fig. 1, items 121-123 and 125-127*).

Regarding **claim 16**, and as applied to claim 15, Cook discloses the aforementioned combination, wherein said wireless communications link comprises a cellular communications system (A enterprise/organization infrastructure partially located within a public network cell comprising components that operate similar to those incorporated in a cellular communication system such as a transceiver that behaves similar to a conventional base station communicating over an air interface with a portable unit or wireless communication device in which such transceivers perform hand-offs when the portable unit moves from one transceiver to another within said infrastructure;

and a server that controls communications within said infrastructure which equivalence corresponds to a public control system such as a MTSO or mobile telephone switching office; *col. 3, line 43 – col. 4, line 7; Figs. 1-3*).

Regarding **claim 17**, and as applied to claim 16, Cook discloses the aforementioned combination, wherein said cellular communications system includes a first transmit/receive unit in each said portable unit (Wherein a portable unit such as a wireless telephone comprises a wireless interface that sends/transmits user speech sample for authentication; and receives transactions codes provided by the enterprise/organization infrastructure; *col. 8, lines 50-59; Fig. 10, item 1006*), a second transmit/receive unit associated with said computer infrastructure (Wherein the enterprise/organization computer infrastructure comprises transmit/receive units such as transceivers, and a wireless interface that interacts with a wireless communication device/portable unit, receiving portable unit user information and transferring transaction codes to said user; *col. 7, lines 57-63; cols. 8, lines 57-59; Fig. 5, item 424; Fig. 9, item 902*), and a cellular base station for handling the transmission of signals between each said first transmit/receive units and said second transmit/receive unit (Wherein the enterprise communication system comprises transceivers that operate similar to a conventional base station; and a server that communicates with a public network that comprises conventional base station in which determinations are made for handling transmission of signals based on user authentication and position information; *col. 3, lines 47-54, col. 4, lines 34-50; col. 5, lines 1-24; Fig. 1, item 111 and items 121-123*).

Regarding **claim 19**, and as applied to claim 15, Cook discloses the aforementioned combination, wherein said wireless communications system further includes an authentication capability for authenticating access to secured facilities in said designated area (Authentication such as voice authentication wherein a system comprises a transaction manager within the enterprise/organization coupled to a validation system, wherein the validation system comprises a voice authentication system and an account validation system; for the purpose of authenticating wireless phone users in a secure manner; *col. 2, lines 20-25; col. 7, lines 23-46; Fig. 9, item 930*).

Regarding **claim 20**, and as applied to claim 15, Cook discloses the aforementioned combination, wherein said features and capabilities include at least one of E-mail send and receive (Capabilities provided by the wireless communication system such as e-mail, and send and receive web sessions; *col. 1, lines 34-35*).

Regarding **claim 21**, Cook discloses a wireless communications system for communicating with a computer infrastructure of an organization (A wireless communication system communicating with an enterprise/organization communication system; *col. 1, lines 24-30; Fig. 1; Fig. 9, item 900*) comprising: a portable communications unit including a user interface (A portable unit such as a wireless telephone comprising a user interface such as a display and keys/keypad buttons; *col. 8, lines 31-34; Fig. 10, items 1001 and 1004*); a computer infrastructure interface (The enterprise/organization comprising a wireless communication interface; *col. 7,*

lines 36-44; Fig. 9, item 902); a wireless communications link for connecting said user interface and said computer infrastructure interface (Wherein a wireless communication device operated by a user communicates with a wireless interface over a wireless communication link; *col. 7, lines 42-46; Fig. 9, item 904*), said wireless communications link covering an area designated by the organization for permitting a user of the portable unit to access said computer infrastructure when the portable unit is within the designated area (A server controlling communications within the enterprise/organization infrastructure, such communication established by over a wireless link, wherein the server authorizes registration for a wireless communication device, when such device is detected within the enterprise/organization infrastructure; *col. 5, lines 1-24;Fig. 2*); and at least one remote access node for creating at least one extended designated area of said designated area for permitting a user of the portable unit to also access the computer infrastructure when the portable unit is within the at least one extended designated area (Wherein the enterprise comprises transceivers or remote access nodes which create respective designated areas such as an enterprise cell for providing coverage within the enterprise designated area, therefore extending the enterprise designated area by the addition of the transceivers belonging to the enterprise; *col. 3 , line 23 thru col. 4, line 7; Fig. 1, items 121-123 and 125-127*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S Pat. No. 6,650,888) in view of Odenwalder (U.S Pat. No. 6,396,804).

Regarding **claim 5**, and as applied to claim 3, Cook discloses the aforementioned wireless communications system, wherein said wireless communications link comprises a cellular communications system. Cook fails to clearly specify wherein said cellular communications system operates at a bandwidth of less than 100 kbits/sec.

However in the same field of endeavor, Odenwalder discloses a wireless communications system comprising a wireless communications link, further comprising a cellular communication system, wherein said cellular communications system operates at a bandwidth of less than 100 kbits/sec (A wireless cellular telephone system transmitting data via a single channel, non-

coherent, reverse link signal a less that 100 kbits/sec, specifically at a maximum data rate of 9.6 or 14.4 kbits/sec; *col. 2, lines 8-12 and lines 20-25*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Cook wireless communications system having a wireless link, further comprising a cellular communication system, operating at a rate less than 100 kbits/sec as taught by Odenwalder. For the purpose of transferring low bandwidth transmission data such as voice within the cellular communication system.

7. **Claims 11 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S Pat. No. 6,650,888) in view of Wickstead (U.S. P.G.-Pub. No. US 2002/0142734).

Regarding **claim 11**, and as applied to claim 1, Cook discloses the aforementioned wireless communications comprising a portable unit. Cook fails to clearly specify wherein said portable unit is configured to be worn by the user.

However in the same field of endeavor, Wickstead discloses portable unit designed to be comfortably worn in the user wrist (*See Page 1, Paragraphs 6 and 7*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Cook portable unit, configured to be worn by the user of the portable unit as taught by Wickstead. For the purpose of, providing comfort to a user when carrying a portable unit or wireless communication device.

Regarding **claim 18**, and as applied to claim 15, Cook in view of Wickstead disclose the aforementioned combination. In addition Wickstead discloses wherein said each said portable unit is configured to be worn by the user (*See Page 1, Paragraphs 6 and 7*).

Response to Arguments

8. Applicant's arguments filed on May 17, 2004 have been fully considered but they are not persuasive.

In response to Applicant's arguments against 35 U.S.C. § 102(e) rejection of **claims 1-4, 6-10, 12-17, and 19-20**:

Consider **claims 1, 15, 14, and 21**, Applicant suggests that Cook does not disclose: one remote access node for creating at least one extended designated area of a designated area for permitting a user of a portable unit to also access the computer infrastructure of an organization when the user is within the at least one designated area.

The Examiner respectfully disagrees with the Applicant's argument because Cook clearly discloses wherein an enterprise or organization includes a plurality of remote access nodes or transceivers permitting access to an individual area within the respective designated area of said transceivers (*See rejections on claims 1, 15, and 21, regarding such limitation*).

Consider **claims 2 and 15**, Applicant suggests that Cook does not disclose that a voice generation unit is associated with the interface of the transaction manager of the enterprise to permit two-way voice communication.

The Examiner respectfully disagrees with the Applicant's argument because Cook clearly discloses wherein the computer interface provided by the enterprise or organization provides a wireless interface such as transceivers for providing over the air wireless "two-way communications" services such as voice conversations (*col. 1, lines 28-33*), which is inherently known in the art of wireless communications, furthermore Cook discloses an example of "two-way communications" as the user of a wireless communication device (i.e., a telephone; *col. 3, lines 32-33*) requests more information to the computer infrastructure or server of the enterprise/organization and according to a position or location criteria the computer infrastructure of the organization transfers information to the wireless communication device (*col. 3, line 66 thru col. 4, line 7; col. 5, lines 12-21*). In addition Cook discloses wherein the transceivers (*Fig. 1, items 121-123*) are similar to the conventional base stations in public network (*col. 3, lines 47-49*) for providing wireless communications (i.e., voice conversations), furthermore the enterprise or organization comprising more than one wireless communication device (*Fig. 1, item 102*), for enabling communication voice conversation within the enterprise.

In response to Applicant's arguments against 35 U.S.C. § 103(a), obviousness rejection of **claims 5, 11 and 18**:

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found

either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, regarding claim 5, Odenwalder clearly suggest that low data applications such as operate under a low bandwidth under 100 kbits/sec and propose an invention for adaptively providing high data rate communications in terms of bandwidth efficiency (*See col. 2, lines 7-67*).

Furthermore in this case, regarding claims 11 and 18, Wickstead clearly suggest an invention to provide a wireless telephone that can be comfortably worn (*See Paragraph 3*).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

11. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

12. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q.

July 26, 2004

CHARLES APPIAH
PRIMARY EXAMINER